

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**MARCH 16, 2009**

**KENDALL-DEAN SCHOOL**

**7:00 P.M.**

## **GOOD & WELFARE**

### **Disclaimer**

**Mr. Lovett read the following disclaimer: "It is the board's understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping."**

### **LIZ Development**

**Mr. Leo Defond of 30 Saranac Street complained there are still problems with the sewers and the streets in his area that are not being corrected.**

### **Student Residency**

**Mr. Defond also claimed there are many students attending North Smithfield schools who are not residents.**

## **REGULAR MEETING**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

## **EXECUTIVE SESSION**

**MOTION** by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to enter into executive session at 7:02 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss 1. Macsteel Service Center USA, 2. Russo/Chacharone/Highway Barn and 3. D & N Transportation/N & D Transportation and pursuant to RIGL 42-46-5(A)(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting to discuss the Solicitor and the Assistant Solicitor positions.

**MOTION** by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to come out of executive session at 8:45 P.M. and to seal the minutes. No motions were made and no votes were taken.

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**D & N Transportation/N & D Transportation**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve settlement of tax claim litigation with D & N Transportation/N & D Transportation on terms allowing for future tax payments offset by amounts incorrectly paid by the taxpayers in this fiscal year.**

**APPROVAL OF MINUTES**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to approve the minutes of February 17 and March 2, 2009 as presented.**

**PAYMENT OF BILLS**

**Monthly Bills**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$384,969.80; Sewer - \$158,888.88; Water - \$104,205.13; Wire Transfer School Department - \$1,806,586.00; and Wire Transfer Fire Department - \$176,991.00 for a total of \$2,631,640.81.**

**Coastal Recycling Invoice – Growth Surcharge**

**Prior minutes showed there had been an agreement to provide trash pick up at three condominium developments from September 2008 to June 30, 2009 at a cost of no more than \$7,000.00, to be divided over**

**ten months of \$700.00 each.**

**Mr. Lovett had thought there was grant money to cover this but Public Works Director Raymond Pendergast explained that the grant money was supposed to be used for a pilot program and he would not recommend using it to pick up rubbish with recycling funds.**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve payment of the February 2009 growth surcharge fee of \$700.00.**

**Gilbane Building Co.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to approve payment of Requisition #31 Job #4178 in the amount of \$109,429.01 based upon the recommendations of the School Building Committee and the interim Finance Director Donald Gray.**

## **MIDDLE SCHOOL PROJECT**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to move this item up on the agenda.**

**Design Builder's Contingency**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve Budget Expenditure Authorization #16 dated February 12, 2009 for \$248,435.00 based**

**upon the recommendations of the School Building Committee and the interim Finance Director.**

#### **Owner's Contingency**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to approve Change Order #27 for a total credit of (\$146,770.00) based upon the recommendations of the School Building Committee and the interim Finance Director.**

#### **Change Order #26**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to authorize the Town Administrator to sign Change Order #26 that had been previously approved by the Town Council for \$7,700.00.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to authorize the Town Administrator to sign BEA #16 and Change Order #27.**

#### **Installation of Charcoal Filters**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski and Dr. Benoit, and voted unanimously on an aye vote to install charcoal filters on the rooftop vent pipes for the sewerage system per the recommendation of**

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**the School Building Committee. Once the amount is calculated, the committee will return to the Council.**

#### **Examination and Analysis of Well Water**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to analyze the well water to include a remediation plan in the amount of \$2,839.00 based upon the recommendation of the School Building Committee. Funding will come from the owner's contingency.**

#### **RATIFICATION VOTE OF MUNICIPAL EMPLOYEE LAYOFFS**

**Mrs. Hamilton explained there will be layoffs effective March 20, 2009.**

**The fire department has agreed to accept \$15,000.00 per month less from the town for the next four months. There will be four highway workers, one municipal clerk and three police officers laid off. The police union has made concessions; however, they do not meet the required amount.**

**Mr. Biron asked if Mrs. Hamilton had gone to the School Department to see if they would take more of the burden as discussed at the last meeting. Mrs. Hamilton replied they were still taking an additional \$150,000.00 under advisement.**

**Mr. Leclerc felt it was unfair the town would be losing the three police officers, four highway workers and a payroll clerk. He said it was a**

**tragedy the school department won't step up and help.**

**Mr. Zwolenski agreed that the school department has to step up. It is always the municipal side that takes the brunt of reductions.**

**Chief Steven Reynolds added that the police department is actually losing four people because there is one vacancy that will not be filled.**

**Mr. Lovett was sure the school department is doing what they can but anything they can do to help the municipal side would be appreciated.**

**Dr. Benoit asked if anyone was looking into the Caruolo Act. Mrs. Hamilton responded she has been working with Representative Newberry and Senator Tassoni to see if it can be reduced.**

**MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on a roll call vote to support Mrs. Hamilton's difficult decisions regarding layoffs.**

#### **REQUEST FOR PROPOSAL RE: PROMETHEAN ACTIVBOARDS**

**Director of Technology Eric Butash provided a request for proposal for additional Promethean Activboards for the elementary and high schools. He reminded the Council that he had come before them last September and, at that time, it was suggested that the school department reinvest the remaining funds in the 2008/2009 Capital**

**Budget line item for middle school technology into upgrading the classrooms elsewhere in the district with similar technology.**

**Both Mr. Zwolenski and Mr. Leclerc stated they could not support this request at this time due to the difficult economic times and the vote that was just taken supporting municipal layoffs.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table this item indefinitely and to bring it back to the Council at the first feasible moment.**

#### **LIZ DEVELOPMENT**

**Mr. Pendergast had nothing new to report at this time.**

#### **CHERRY BROOK**

**Mr. Miles Briggs questioned who would be taking over for former Planner Michael Phillips and if that person would be attending Council meetings.**

**Mrs. Hamilton explained that the new Town Planner, Robert Ericson, was just getting information on Cherry Brook but he would be attending meetings in the future.**

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#### **RESIGNATION FROM HISTORIC DISTRICT COMMISSION – S. KANE**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit and Mr. Zwolenski,**



and voted unanimously on an aye vote to place Shawn Kane's letter of resignation on file and to send him a letter of thanks.

#### **RESIGNATION FROM CONSERVATION COMMISSION – M. RAPKO**

**MOTION** by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to place Michael Rapko's letter of resignation on file and to send him a letter of thanks.

#### **CONSERVATION COMMISSION MINUTES**

**MOTION** by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to place on file the minutes of January 6 and February 10, 2009.

#### **PLANNING BOARD MINUTES**

**MOTION** by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to place on file the minutes of October 16, November 6 & 13 and December 18, 2008.

#### **DRAINLAYER'S LICENSES**

**Robert Ray d/b/a ID's Enterprises Inc.**

**MOTION** by Mr. Biron, seconded by Mr. Leclerc and Dr. Benoit, and voted unanimously on an aye vote to grant a drainlayer's license to Robert Ray d/b/a ID's Enterprises Inc.

**Michael Susi d/b/a Armando Ricci & Sons Inc.**

**MOTION** by Mr. Leclerc, seconded by Mr. Biron, and voted

**unanimously on an aye vote to grant a drainlayer's license to Michael Susi d/b/a Armando Ricci & Sons Inc.**

#### **APPOINTMENT TO JUVENILE HEARING BOARD**

**MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to appoint Christian de Rezendes to the Juvenile Hearing Board. This is a three-year term that will expire on December 1, 2011.**

#### **APPOINTMENT TO SEWER COMMISSION**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to appoint Shawn A. R. Kane to the Sewer Commission. Mr. Kane will be completing a five-year term that will expire on December 1, 2010.**

#### **GLACIAL ENERGY**

**Mr. Kenneth Decker, Business Development Manager, presented information on reducing the town's energy costs. He stated Glacial Energy supplies energy in the same manner as National Grid and right now his rate is .0886 as compared to .093 for National Grid. Mr. Decker explained that the town would receive a bill from National Grid for the line and a bill from Glacial Energy for supply. Contracts are offered on a month to month basis.**

**The Council asked Mrs. Hamilton to speak with representatives from the town of West Warwick regarding their experience with Glacial**

**Energy.**

**1ST READING ORDINANCE AMENDMENT RE: ANIMALS AND FOWL**

**This ordinance was read by Mr. Leclerc and basically changes the term “seeing eye” dog to “service dog”.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to accept this ordinance as a first reading.**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to have the second reading on April 6, 2009.**

**MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on an aye vote at 10:33 P.M. to extend the meeting for ten minutes.**

**1ST READING ORDINANCE AMENDMENT RE: PARKS AND RECREATION**

**This ordinance was read by Mr. Leclerc. It deletes Sections 12½-4(a) and (b) because it duplicates parts of the Animal Control ordinance.**

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**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to accept this ordinance as a first reading.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to have the second reading on April 6, 2009.**

### **MEETING WITH SCHOOL COMMITTEE**

**Mr. Lovett reminded the other members that a joint meeting has been tentatively scheduled for March 30th and asked if anyone had any items for the agenda to forward them to the Clerk by March 20th.**

**Mr. Leclerc asked that student residency be included on the agenda.**

### **COMMUNICATIONS**

**MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to accept and place on file the following: A.) Animal Control Monthly Report for February 2009, B.) NSF&RS Inc. Monthly Incident Report for February 2009, C.) Resolution Supporting Certain Articles of FY 2009 Supplemental Budget from the Town of Burrillville and D.) Resolution Supporting the End of the Caruolo Act from the Town of West Warwick.**

**Once again Dr. Benoit urged Mrs. Hamilton to pursue review of the Caruolo Act.**

**MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on an aye vote to adjourn at 10:40 P.M.**

**(Note: The sound system did not record this meeting.)**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**